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BOOK REVIEWS

STORY'S EQUITY JURISPRUDENCE, in three volumes, 14th edition, by W. H. Lyons, Jr. (Boston: Little, Brown & Company, 1918, pp. cxcii 1910.)

From the first appearance of Judge Story's famous work on equity jurisprudence in 1835, down to the present day, it has been one of the books most relied upon by judges and lawyers in molding the system of equity as it exists today. The clear statement of fundamental principles and a logical evolution of other rules based upon these, have given the book the place it well deserves.

Although in many States the distinction between equity and law has been abolished, at least in so far as the administration of each by differing rules is concerned, nevertheless, the principles of equity jurisprudence are of as much importance in these States as they ever were. And, of course, in States where no changes in procedure have been made, the value of equity as a science of law continues to be of the same great importance which it has always been. In the ever increasing complexity of human affairs, equity in many cases necessarily becomes the more important forum in dealing with many questions that arise, for there are situations constantly developing which the courts of law, more tightly bound by strict and narrow rules, cannot deal with, but which equity under its broader jurisdiction and less confined system of procedure is amply able to meet. There are also a number of cases of sole jurisdiction of equity which are added by statute, and which are of great importance, and but increase the need for a thorough knowledge and understanding of its principles.

The broadness of the field to be covered, which any work on equity necessarily contemplates, compels the author to outline general principles only, and the intricate questions that arise must be left for each particular case. As Judge Story so well expresses it: "He (the student) has as yet been conducted only to the vestibule of the magnificent temple reared by the genius and labors of many successive ages to Equity Jurisprudence. He has seen the outlines and proportions, the substructions and elevations, of this wonderful edifice. He has glanced at some of its more prominent parts, and observed the solid materials of which it is composed, as well as the exquisite skill with which it is fashioned and finished. He has been admitted to a hasty examination of its interior compartments and secret recesses. But the minute details, the subtle contrivances, and the various arrangements which are adapted to the general exigencies and conveniences of a polished society, remain to invite his curiosity and gratify his love of refined justice."

From a single volume, as Judge Story's work originally appeared, it has now grown into three volumes. Volume I contains the origin and history of the growth of equity, the fundamental axioms of equity, with their application shown by numerous illustrations. Three of the

great cases of equity jurisdiction are also contained in this volume, namely, accident, mistake and fraud. Volume II contains the remainder of the cases in which equity and law have concurrent jurisdiction, and also the cases wherein equity has peculiar remedies unknown to the law. Then the subject of exclusive equity jurisdiction is begun in the last part of Volume II, and concluded in Volume III. Three new chapters were added to Judge Story's work by Chief Justice Redfield—"Estoppels in Equity," "Railways and Other Companies," and "The Effect of Judgments at Law—Foreign Judgments," and these are included in the present edition.

There is not a great deal of new matter added to the present edition by the author, and what is added seems to be more by way of elaboration and enlargement than by any material additions to the general subject. But this is rather a tribute to the excellence of Judge Story's work than a criticism of the present author. The author also seems to have drawn too freely on his local decisions for support of the additions which he has made, which not only gives opportunity for doctrines more or less peculiar to North Carolina to creep in, but also lessens the value of the book to judges and practitioners in other States.

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